

III. REMARKS

Claims 1-25 are pending in this application. By this amendment, claim 23 has been amended. Applicants are not conceding in this application that any claim is not patentable over the art cited by the Office, as the present claim amendment is only for facilitating expeditious prosecution of the subject matter. Applicants do not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed herein. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 23-25 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Altenhofen, *et al.* (US Pat. No. 7,153,137, hereinafter, “Altenhofen”); claims 1-5 and 7-9 are rejected under § 103(a) as allegedly being unpatentable over Alcorn (US 2004/0153509, hereinafter, “Alcorn”) in view of Bjornestad et al (US Pat. No. 7,003,576, hereinafter, “Bjornestad”); claims 10, 11, and 13-22 are rejected under § 103(a) as allegedly being unpatentable over Alcorn and Bjornestad, and further in view of Parker (US 2003/0207245, hereinafter, “Parker”); and claims 6 and 12 are rejected under § 103(a) as allegedly being unpatentable over Alcorn and Bjornestad, and further in view of Parker and Ohkubo et al. (US 2003/0236895, hereinafter, “Ohkubo”).

With respect to the rejection of independent claim 1 over Alcorn and Bjornestad, Applicants assert that Alcorn and Bjornestad do not teach each and every feature of the claimed invention, including, for example, “a learning management server, physically separate from the authoring module, for managing an on-line learning environment, *wherein the learning*

management server receives the educational content created with the authoring module and provides the educational content to a set of content servers.”

In the Office Action, the Office admits that Alcorn does not teach this feature, but alleges that Bjornestad does (Office Action, p. 6). Applicants respectfully submit, however, that Bjornestad also fails to teach this feature. In the text accompanying FIG. 2, which is cited by the Office (*see* column 6, line 49 *et seq.*), Bjornestad teaches a content developer that produces external content at reference number 1 (FIG. 2). Students can access the OLMS (“Open Learning Management System”) at 2. The OLMS responds to the student at 3, by providing instructions for the student to communicate directly with the external content. At 4, the student accesses the external content directly, and at 5, the OLMS deals directly with the external system to authorize the student. (Column 6, line 49 *et seq.*) Accordingly, Bjornestad fails to teach “a learning management server, physically separate from the authoring module ... *wherein the learning management server receives the educational content created with the authoring module and provides the educational content to a set of content servers*” (claim 1, lines 4 *et seq.* (emphasis added)) because Bjornestad’s learning management server, if taken to be represented by the OLMS, never receives the educational content. It merely provides instructions according to which a student can directly access the educational content.

Because Alcorn and Bjornestad fail to teach the invention of claim 1, including the learning management server feature described above, Applicants respectfully request that the rejection over the prior art be withdrawn.

With respect to independent claims 10 and 16, Applicants submit that each of these claims includes features similar in scope to those already addressed above with respect to claim 1 (*see* claim 10 at lines 4-6; claim 16 at lines 3-8). Further, the Office relies on the same

arguments and interpretations of Alcorn and Bjornestad as discussed above with respect to claim 1. To this extent, Applicants herein incorporate the arguments presented above, and submit that, as in claim 1, the combination of prior art references, including Parker (upon which the Office does not rely to teach this feature), collectively fail to teach each and every feature of the invention of claims 10 and 16, including, for example, “a learning management server, physically separate from the authoring module, for managing an on-line learning environment, wherein the learning management module receives the educational content created with the authoring module” (claim 10, lines 4-6, and similarly recited at claim 16, lines 3-8).

Applicants further submit that Alcorn, Bjornestad, and Parker fail to teach the feature of “a plurality of live session servers ... for delivering live sessions to the students” (claim 10, lines 14 *et seq.*). In the Office Action, the Office posits that Parker’s “media servers” are a proxy for “live session servers” (Office Action, p. 10). Applicants respectfully disagree. At [0023], Parker teaches that “media servers 110 host the media content to be delivered to the end users 102. Such media may be ... streaming media, graphics, audio, video, textual, and the like.” Feature 110 is later also referred to as a course player control. (Parker, [0072].) Accordingly, it is not clear that Parker teaches a “plurality of live session servers ... for delivering live sessions to the students” as recited in claims 10 and 16.

Accordingly, in view of the above deficiencies, Applicants respectfully submit that Alcorn, Bjornestad, and Parker fail to teach each and every feature of the invention of claims 10 and 16, including, among others, the “learning management server” feature and the “plurality of live session servers” feature, and request that the rejections to the above claims be withdrawn.

With respect to dependent claims 2-9, 11-15, and 17-22, Applicants respectfully submit that these claims are allowable for reasons stated above relative to independent claims 1, 10, and

16, as well as for their own additional claimed subject matter. Accordingly, Applicants respectfully request that the Office withdraw the rejections under 35 U.S.C. § 103(a) to dependent claims 2-9, 11-15, and 17-22.

With respect to the rejection of independent claim 23 over Altenhofen, Applicants have amended this claim herein, and respectfully assert that Altenhofen does not teach each and every feature of the invention of claim 23.

For example, Applicants submit that Altenhofen does not teach the feature of “an off-line component-based learning client architecture,” including, among other features, “wherein the download and synchronization manager, the local delivery server, the local content server, and the local database are implemented as separate geographic elements from the component-based on-line learning system.”

In the Office Action, the Office asserts that “no recitation of [the] ‘component-based’ feature is found in the body of the claims; in fact, elements in the claim preamble are given no weight.” (Office Action, p. 2.) Applicants have amended claim 23 at lines 3 and 13 *et seq.* to provide improved clarity with respect to the “component-based” feature. As shown in Altenhofen’s FIGS. 7 and 28-30, among others, Altenhofen teaches a learning management system wherein the administration management system 627, content management system 625, learning management system 623, and learning station 620 are all located geographically contemporaneously. There is nothing in Altenhofen to suggest that the system components are “implemented as separate geographic elements,” as recited in claim 23.

The Office further asserts that the prior art teaches the feature of “a local database that communicates with the local content server to determine whether the educational content is available for the student,” at col. 2, lines 41-58. This passage, however, merely teaches a

repository manager of a content repository which writes a packaging list if it is determined that all structural elements of the online course are accessible. It does not teach *communication* between a local database and a local content server. It also speaks only to a determination of whether all *structural elements* of the course are accessible from the content management system, from whence a student would be able to access generally available off-line courses. In contrast, the claimed invention includes a local database that communicates with the local content server in order to determine whether *specific content* is available for a given student on the local content server, “based on requests issued by the student using the set of interface pages” (claim 23, lines 6-7).

Accordingly, Applicants respectfully submit that Altenhofen does not disclose each and every element of claim 23, and requests that the rejection under § 102(e) be withdrawn. With respect to dependent claims 24-25, Applicants respectfully submit that these claims are allowable for reasons stated above relative to independent claim 23, as well as for their own additional claimed subject matter. Accordingly, Applicants respectfully request that the Office withdraw the rejections under 35 U.S.C. § 102(e) to dependent claims 24 and 25, as well as independent claim 23.

IV. CONCLUSION

In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office’s interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office’s combinations and modifications of the various references or the motives cited for such

combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

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